

**REMARKS**

Claims 1-18 are pending in this application. Claims 1-18 stand rejected. By this Amendment, claims 1, 4, 6, and 10 have been amended. Claims 2, 3, 5, 7, 8, 9, and 18 have been cancelled without prejudice. The amendments made to the claims have been made to improve the form thereof. In light of the amendments and remarks set forth below, Applicants respectfully submit that each of the pending claims is in immediate condition for allowance.

Present claims 1, 2, and 10 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Costello, claims 3-9, 11, 12, and 14-18 have been rejected under 35 U.S.C. § 103 (a) as being obvious over Costello in view of Cialei, and claim 13 has been rejected under 35 U.S.C. § 103 (a) as being obvious over Costello in view of Yabe. Applicants respectfully traverse these rejections.

To anticipate a claim under 35 U.S.C. § 102, the cited reference must disclose every element of the claim, as arranged in the claim, and in sufficient detail to enable one skilled in the art to make and use the anticipated subject matter. See, PPG Industries, Inc. v. Guardian Industries Corp., 75 F.3d 1558, 1566 (Fed. Cir. 1996); C.R. Bard, Inc. v. M3 Sys., Inc., 157 F.3d 1340, 1349 (Fed. Cir. 1998). A reference that does not expressly disclose all of the elements of a claimed invention cannot anticipate unless all of the undisclosed elements are inherently present in the reference. See, Continental Can Co. USA v. Monsanto Co., 942 F.2d 1264, 1268 (Fed. Cir. 1991).

As recited in claim 1, the insert portion holding member is attached to be integrated with the endoscope main body by inserting the mount pins (which are indicated by reference numeral 19 in FIG. 28) provided on the endoscope main body into the pin Insert holes (which are indicated by reference numeral 18c in FIG. 2C) provided on the insert portion holding member (see the embodiment shown in FIG 5.) Further, as shown in FIG 1, the insert portion holding member is housed in an endoscope housing case while the insert portion holding member is attached to the endoscope main body.

Therefore, when performing an operation with an endoscope, the endoscope apparatus needs to be removed from the endoscope housing case in a state as shown in FIG. 5, 16, and 19A, and carried to the place where it is to be used, by a user. That is, by simply slinging the endoscope main body on a shoulder or holding the same with one hand, it is possible to carry the scope unit, which is housed in the insert portion holding member, together with the main body. Especially, if a shoulder strap 27 is used, both hands can be used freely.

In contrast, Costello discloses that an insert portion holding member 180 is configured to be attachable to and detachable from an endoscope housing case, but does not in any way disclose that the insert portion holding member is attachable to and detachable from an endoscope main body. Costello fails to disclose:

"an endoscope apparatus comprising an elongated insert portion having. ., an endoscope main body having ..., an endoscope housing case 100 which houses.. , and an insert portion holding member (reel) 180 to hold the insert portion, the holding member being attachable to/detachable from the endoscope housing case together with the endoscope main body".

That is, FIG. 1 of Costello shows the configuration wherein a reel 180 having an insert portion wrapped around can be mounted on a hinged body section 108. However, FIG. 1 does not show that the reel 180 is mounted on the endoscope main body.

Therefore, even if an endoscope main body is carried with one hand (for example, with the right hand), the reel 180 cannot be carried together with (along with) the main body with the same hand (right hand). This being the situation, in order to carry the endoscope apparatus, the endoscope main body and the reel need to be held with one hand with enormous effort (if this is possible), or the reel 180 may be held with the other hand (left hand). Therefore, the portability of the apparatus of Costello is apparently inferior to that of the present invention.

In addition, the Examiner has pointed out that claims 14 and 17 (18) of the present invention include the feature "intermediate portion". However, there is no

recitation for an intermediate linking portion in claims 14 and 17 (18). Therefore, Applicants request withdrawal of this rejection.

The present invention is not directed to the arrangement of the endoscope apparatus, i.e., how the endoscope main body and the Insert portion holding member, in which the insert portion is housed, are arranged within the endoscope housing case. It aims for the portability of the endoscope apparatus, i.e., how to carry the endoscope main body together with the insert portion holding member which houses the insert portion therein, when the endoscope main body is removed from the endoscope housing case.

In Costello, the object and the configuration are different from those of the present invention, and thus the effect to be obtained is different. Further, it does not in any way suggest the configuration wherein the insert portion holding member is attached to the endoscope main body. In considering the above-discussed configuration as the gist of the present invention, none of the present claims should be rejected by applying Costello, et al. or the combination of Costello and Cialei or Yabe.

Applicants have responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

Dated: September 20, 2005

Respectfully submitted,

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